UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/781,920	02/12/2001	Gregory Hagan Moulton	UND007	9074

7590   12/01/2004

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EXAMINER
JUNG, DAVID YIUK

ART UNIT	PAPER NUMBER
2134	

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No.	Applicant(s)
	09/781,920	MOULTON
	Examiner	Art Unit
	David Y Jung	2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 February 2002*.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-46* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-46* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12 February 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *10/01, 2/02.*

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

CLAIMS PRESENTED

Claims 1-46 are presented.

PRIOR ART (IDS) SUBMITTED

Two sets of IDS's were submitted (on 10/5/2001 and on 2/11/2002). On

10/5/2001, Mr. Andrew Tridgell's ANU PhD thesis was submitted. That reference

discussed the contents of http://www.w3.org/TR/NOTE-gdiff-19970901 (authored by

Hoff and Payne). In particular, the Tridgell reference discussed the applicability of that

article to HTTP and W3C (which is, of course, natural for an article submitted to W3C

itself).

Thus, Applicant has indirectly cited Hoff and Payne's article. This article is cited

and relied in the rejections of this Office Action.

CLAIM REJECTIONS

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed
> or described as set forth in section 102 of this title, if the differences between the
> subject matter sought to be patented and the prior art are such that the subject
> matter as a whole would have been obvious at the time the invention was made
> to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was
> made.

Claims 1-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Gdiff (http://www.w3.org/TR/NOTE-gdiff-19970901).

Regarding claim 1, Gdiff teaches "A system for data transmission comprising: a

transmitting system comprising a first lexicon including a plurality digital ... unique

identifier correspondences; (section 2. The Generic Diff Format, i.e. the GDIFF format

being used to distribute the differences between two versions of a file, rather than the

entire new version of the file – because the difference algorithm is used, this teaches

the use of a lexicon to so as to compute the difference between the old and the new

versions of a file) a receiving system; coupling said transmitting and receiving systems,

said transmitting system capable transmitting at one of said plurality of unique identifiers

to said receiving system lieu of said least one corresponding digital ... (section 2. The

Generic Diff Format, i.e. the GDIFF format having DATA and COPY commands that

work with W3C protocols – such as HTTP – so as to permit such transmission and

reception; section Status of this Document, i.e. the submission being a NOTE made

available to and by W3 Consortium)."

These passages of Gdiff do not teach "sequence" in the sense of the claim.

Indeed, GDIFF requires random access to the old version of the file and not merely

sequential access.

Nevertheless, it was well known in the art to have a "sequence" situation for the

motivation of having easier handling of information (which is often done by putting

information in a different type of memory or storage).

Hence, it would have been obvious to those of ordinary skill in the art at the time

of the claimed invention to modify Gdiff for the motivation noted in the previous

paragraphs so as to teach the claimed invention.

Regarding claim 2 (another system receiving, etc.), such particular features are

well known in the art for the purpose of handling information across computers -- e.g.,

multiple computers receiving information across the Internet.

Regarding claim 3 (second lexicon, etc.), such particular features are well known

in the art for the purpose of handling information across computers – e.g., GDIFF being

compatible with many types of formats because GDIFF explicitly leaves the formats to

be decided later. Regarding claims 4-14, such particular features are well known in the

art for the motivation of handling various different types of formats and situations – e.g.,

GDIFF being compatible with many types of data handling, including rsync.

Regarding claims 15-28, these claims are method analogs to claims 1-14

respectively. For the reasons noted in the rejections of claims 1-14, these claims 15-28

are not patentable.

Regarding claim 29, Gdiff teaches "A system for symbolic exchange of digital ...

comprising: first and second computer systems comprising respective first and second

local lexicons including a plurality of digital ... to unique identifier correspondences;

(section 2. The Generic Diff Format, i.e. the GDIFF format being used to distribute the

differences between two versions of a file, rather than the entire new version of the file –

because the difference algorithm is used, this teaches the use of a lexicon to so as to

compute the difference between the old and the new versions of a file) transmission

medium coupling said second computer systems; said first computer system operative

to transmit unique identifier said second computer system in lieu corresponding digital

... (section 2. The Generic Diff Format, i.e. the GDIFF format having DATA and COPY

commands that work with W3C protocols – such as HTTP – so as to permit such

transmission and reception; section Status of this Document, i.e. the submission being a

NOTE made available to and by W3 Consortium)."

These passages of Gdiff do not teach "sequence" in the sense of the claim.

Indeed, GDIFF requires random access to the old version of the file and not merely

sequential access.

Nevertheless, it was well known in the art to have a "sequence" situation for the

motivation of having easier handling of information (which is often done by putting

information in a different type of memory or storage).

Hence, it would have been obvious to those of ordinary skill in the art at the time

of the claimed invention to modify Gdiff for the motivation noted in the previous

paragraphs so as to teach the claimed invention.

Regarding claim 30 (second lexicon, etc.), such particular features are well

known in the art for the purpose of handling information across computers – e.g., GDIFF

being compatible with many types of formats because GDIFF explicitly leaves the

formats to be decided later. Regarding claims 31-38, such particular features are well

known in the art for the motivation of handling various different types of formats and

situations – e.g., GDIFF being compatible with many types of data handling, including

rsync.

Regarding claims 39-46, these claims are method analogs to claims 29-33, 36-38, respectively. For the reasons noted in the rejections of claims 29-33, 36-38, these claims 39-46 are not patentable.

Conclusion

The art made of record and not relied upon is considered pertinent to applicant's disclosure. The art disclosed general background.

Points of Contact

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

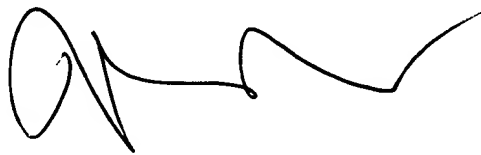(703) 746-7239, (for formal communications intended for entry)

Or:

(703) 746-5606 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Jung whose telephone number is (571) 272-3836 or Greg Morse whose telephone number is (571) 272-3838.

David Jung

Patent Examiner

11/29/04